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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/485,113 06/07/95 KATZ

R 6646-108N4

EXAMINER

LM61/0331

LYON & LYON
FIRST INTERSTATE WORLD CENTER
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES CA 90071-2066

WOO, S.

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

03/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

562090 ETES180

Office Action Summary

Application No.

08/485,113

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2743

☒ Responsive to communication(s) filed on 12-30-97 and 01-23-98

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 18-20 and 22-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18-20 and 22-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-20, 22-26, 29-30, 32, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. (Szlam) in view of Riskin for the same reasons given in the last Office action and repeated below.

Szlam discloses an interface control system comprising:

call data means (ANI decoder 10a24; Fig. 5; col. 12, lines 29-39);

interface means (trunk interface unit 10 with message player MP; Fig. 2);

means for processing (data controller 15; col. 11, lines 1-14; col. 12, lines 60-66) coupled to live operator attended terminals (operator terminals 12);

means for storing (mainframe 16; col. 11, lines 12-23; col. 12, line 67 - col. 13, line 39).

Szlam differs from claims 18-20, 22-26, 29-30, 32, 34-36 in that it does not specify the use of DNIS or directly forwarding a call to a live operator when the remote terminal does not have the capability to digitally provide data. However, Riskin teaches the well known use of DNIS for selecting a particular format (col. 16, lines 21-26) and direct forwarding of a call from a rotary phone to a live operator (col. 11, lines 5-17) such that it would have been obvious to an

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artisan of ordinary skill to incorporate such well known call handling features within the system of Szlam.

3. Claims 27-28, 31, 33, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Riskin, as applied to claims 18-20, 22-26, 29 above, and further in view of Ladd et al. (Ladd).

The combination of Szlam and Riskin differs from claims 27-28, 31, 33, 37 in that it does not specify imposing conditions on use. However, Ladd teaches the well known handling of calls according to time-of-day, day-of-week, etc. (col. 12, lines 13-16) such that it would have been obvious to an artisan of ordinary skill to incorporate the imposing of time-based conditions, as taught by Ladd, within the combination of Szlam and Riskin.

4. Applicant's arguments filed December 30, 1997 have been fully considered but they are not persuasive.

Applicant argues that in Riskin, there is no interaction at all between the computer and the caller. However, Szlam was relied upon for the updating and interaction features.

Applicant argues that neither Szlam nor Riskin shows "means for transferring certain of said calls from the live operators to an automated system to receive processed data via a voice generator." Examiner contends that Szlam provides for handling of calls by either an operator or a voice generator and operator control of the calls (col. 14, lines 33-40) such that an operator can surely effect switching a call over to the voice generator.

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Applicant argues that there is no suggestion or motivation in either of Szlam or Riskin for a test. However, the suggestion to combine need not be explicitly provided in the references but in knowledge generally available to an artisan of ordinary skill. All references are directed to systems which automatically handle incoming calls including features which make call handling more efficient.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

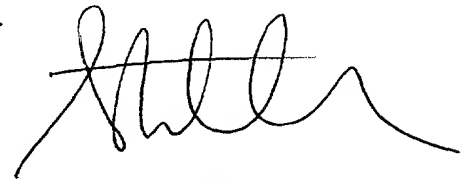
Or:

(703) 305-9508, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703)305-4395 or, if the examiner cannot be reached, to her supervisor, Curt Kuntz at (703)305-4708.


STELLA WOO
PRIMARY EXAMINER

March 28, 1998